

REMARKS

Claims 1-11, 13-23, 26-32, 35-37, and 39-42 are currently pending in the subject application and are presently under consideration. In an Office Action dated September 30, 2008, all claims were rejected. In the present response, Applicants traverse the rejections as follows.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-11, 13-23, 26-32, 35-37, and 39-42 Under 35 U.S.C. §103(a)

Claims 1-11, 13-23, 26-32, 35-37, and 39-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beshai et al. (US 6,034,960) and Suzuki et al. (US 7,006,475 B1) in view of Ketseoglous et al. (US 5,732,076). It was alleged that Beshai teaches all of the elements of Applicants' claims, except that Beshai does not disclose wirelessly receiving, at a terminal device, one or more scattering instructions. It was further alleged that Suzuki et al. teaches this feature, but that the combination of Beshai and Suzuki fail to teach placing data into at least two temporally non-contiguous time intervals. Finally, it was alleged that Ketseoglous teaches this feature, and that it would have been obvious for one skilled in the art to combine the teachings of Beshai, Suzuki, and Ketseoglous to arrive at Applicants' claimed subject matter.

A. Beshai fails to teach “scattering instructions”

Applicants do not believe that Beshai *et al.* teaches “*wirelessly receiving, at a terminal device, one or more scattering instructions*”, as recited in Applicants' claimed subject matter. It was alleged that Beshai teaches this feature in Figure 7 and in column 5, lines 1-7 and column 8, lines 16-28. Applicants disagree.

Beshai *et al.* teaches a communications switch that processes different streams of information destined for remote devices, as shown in figure 1 of Beshai. The processing consists of a scheduler 5 that determines how to multiplex multiple streams of data 6 onto a single, outgoing data stream 4. Figure 7 illustrates a concept of “reverse binary allocation” of time slots within a time frame, essentially “scattering” the time slots. Applicants admit that that concept of distributing information over a time frame is well-known in the art. However, there is no teaching or suggestion that the scheduler 5 *receives instructions* on *how* to perform the reverse

binary allocation. Further, there is no teaching or suggestion in Beshai that scattering instructions are received by a terminal device.

B. Beshai fails to teach “wirelessly receiving, at a terminal device, one or more scattering instructions”

Applicants do not believe that Suzuki teaches “*wirelessly receiving, at a terminal device, one or more scattering instructions*”, as recited in Applicants’ claimed subject matter, and alleged in Fig. 1, Fig. 8, and column 10, lines 16-29. Generally speaking, Suzuki teaches a method for reducing a pilot signal search time in mobile terminals. This is achieved by a base station transmitting one or more “perch” channels in addition to one or more traffic channels. The traffic channels contain both voice and/or data as well as “call control information” which comprises “ring trip”, handover, call termination, etc. The perch channel(s) contains “code information required for despreading”, i.e., information to de-spread a code-modulated signal (Suzuki, column 1, lines 30-35).

The cited section from Suzuki (column 10, lines 16-29) is part of a description of a second embodiment of Suzuki’s invention that describes how the process of interleaving can reduce interference between call control information and a perch channel. Interleaving is a technique well known in the art. The second embodiment of the invention taught by Suzuki uses interleaving to rearrange of the call control information that is transmitted in the traffic channel (Suzuki, col. 9, lines 60-67) from the base station.

Importantly, there is no teaching or suggestion in Suzuki that *scattering instructions* are received by the mobile station. Suzuki simply describes the well-known process of interleaving (rearranging) data at the base station to reduce interference. The mobile station does not receive any information regarding the interleaving process or how to de-interleave the data. Even if the mobile terminal were to receive some kind of information on how to de-interleave (or reconstruct) the data, that would not be the same thing as receiving *scattering instructions*, as the term “scattering” is defined by Mirriam-Webster online dictionary as “to cause to separate widely” or to “distribute irregularly”. On this basis alone, the rejection to claims 1-11, 13-23, 26-32, 35-37, and 39-42 should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP853USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Thomas Thibault/

Thomas Thibault
Reg. No. 42,181

Amin, Turocy, & Calvin LLP
57th Floor - Key Tower
127 Public Square
Cleveland, OH 44114
Telephone: (216) 696-8730
Facsimile: (216) 696-8731
Direct Phone: (858) 735-1097
tthibault@thepatentattorneys.com